REMARKS

In the specification, the Abstract has been amended to correct minor editorial problems. Claims 1-6 are pending in this application. Claims 1 and 4 have been amended to correct informal typographical errors and remain herein for consideration. No new matter has been entered.

In the recent office action, the Examiner has rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Hardesty, et al. (U.S. Pat. No. 5,504,315) in view of U.S. Patent No. 5,272,323 to Martino. The Applicants respectfully disagree with the Examiner's characterization of this art and the Examiner's application of this art to Applicant's claims. In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. 2143.03. There are limitations in Applicants' independent claims one and four, which are not taught or suggested by either Hardesty or Martino.

The Examiner has stated that Hardesty lacks the teaching of detecting the presence of barcode data in a digital file and that Martino teaches a method of verifying barcode data.

First, the Examiner maintains that Hardesty teaches a method of verifying barcode data, but that method does not detect the presence of barcode data in a digital file. Hardesty does not teach a function or step that obtains barcode data from anything other than a scanned bar code label. Hardesty instead discloses the "subsequent processing of the analog and digital data sets decodes and identifies the scanned bar code label and yields a plurality of indices characterizing its readability and print quality." It also makes no suggestion of the use of anything other than a scanned bar code label as the source of data used for processing.

Next, the Examiner points to col. 5, lines 65-67 of U.S. Patent No. 5,272,323 Martino as teaching a method of verifying barcode data comprising the step of "detecting the presence of barcode data in a digital file."

Applicants can find no such teaching in the cited portions of Martino, which states in column 5, lines 65-67, only that the microprocessor receives the digitized output and interprets the digital output to recognize the bar code. In contrast to the claimed subject matter of the present invention, the digitized output is only received from signals produced by a bar code scanner or the like. (col. 2, line 7.) Specifically, the digitizer circuit receives a signal by a photodetector in response to light reflected from a bar code symbol. (col. 2, lines 9-11.) A scanning beam 10, as used with various external assemblies such as hand held unit 19 shown in FIG. 1, is discussed in column 3, lines 1 through 20. Column 6, lines 6 through 23 discusses the use of the bar code patterns derived from scans rather than files. No language in this patent teaches or suggests the step of detecting a presence of barcode data in a digital file.

Applicants note that since, based on the above arguments, all of the independent claims rejected under 35 U.S.C. § 103(a) are patentable, all of the dependent claims are patentable for at least the same reasons.

The additional cited prior art made of record and not relied upon has been considered and applicants agree with the Examiner that it is pertinent to applicant's disclosure.

For the above reasons, Applicants believe they have responded to all of the concerns raised by the Examiner. If Examiner has any questions about the present response, a telephone interview is requested. Reconsideration of this application as amended is hereby requested. A

petition for extension of time is submitted in duplicate along with the appropriate fee. The Director is hereby authorized to charge any fees under 37 CFR 1.17 which may be required by this paper to Deposit Account No. 50-3526. No additional fees are due.

Respectfully submitted,

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